

Serial No.: 09/679,802  
Attorney Docket No.: F-209

Patent

### REMARKS

Claims 1, 3-10, 12-18 and 20-24 were currently pending in the Application. Applicant has amended claims 9 and 17. Applicant respectfully requests entry of the above amendments and consideration of the enclosed remarks. Applicant submits that no new matter is added. Accordingly, claims 1, 3-10, 12-18 and 20-24 will remain pending in the application.

#### **1. Double Patenting**

On page 3 of the Office Action, the Examiner provisionally rejected claims 1, 3-10, 12-18 and 20-24 under the judicially created doctrine of double patenting over claims 1-22 of co-pending application 09/679,801. Applicants have filed concurrently herewith a Terminal disclaimer and request that the provisional rejection be withdrawn.

#### **2. Claim Rejections Under 35 USC Section 102**

Starting on page 3, In sections numbered 5-12 of the Office Action, the Examiner rejected Claims 9-10, 12-18 and 20-23 under 35 U.S.C. 102(e) as allegedly anticipated by U.S. Patent No. 6,289,323 to Gordon ("Gordon '323"). However, the Examiner provides a rejection of claims 9, 10, 12-13, 16-18, 20 and 23. Accordingly, Applicants request that the Examiner withdraw the rejection to claims 14-15 and 21-22.

Claim 9 as amended recites:

"the payment data further includes a future date selected by a payor on which the payment is authorized for dispatch; and

dispatching payment from the data center to the payee for the payment amount in response to the receipt of payment data and the occurrence of the future date.

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Claim 17 as amended recites:

"wherein the payment data further includes a future date selected by a payor on which the payment is authorized for dispatch; and

dispatching payment to the payee for the payment amount in response to the receipt of payment data and the occurrence of the future date."

Applicants respectfully submit that Gordon '323 does not teach or suggest dispatching payment on a user selected future date. Claims 10, 12-16, 18 and 20-23 depend directly or indirectly from claims 9 and 17 and are patentable for at least the same reasons described above. Additionally, claims 14-15 and 21-22 do not appear to be rejected in this section. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

### 3. Rejection under 35 USC § 103

Starting on page 5 of the Office Action, in sections labeled 1,2 and 13-22, the Examiner has rejected claims 1, 3-8, 14, 15 and 21-22 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,289,323 to Gordon ("Gordon '323") in view of and United States Patent 6,427,021 issued to Fischer, et al. ("021 patent"). Additionally, claim 24 is apparently rejected in this section.

Applicants respectfully traverse the rejection. Additionally, Applicants submit that under 35 U.S.C. 103 (c), Fischer '021 patent is not available as prior art under 35 U.S.C. 103 (a). Filed concurrently herewith is a Statement of Common Ownership, dated August 9, 2004 by Robert E. Meyer, agent of record, stating that the Fischer '021 patent and the present application were commonly owned or subject to an obligation of assignment at the time of invention for the present application. Accordingly, Applicants submit that the cited references are not properly combined and respectfully requests that the Examiner withdraw the rejection.

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Accordingly, Applicants submit that the invention as presently claimed in claims 1, 3-8, 14, 15, 21-22 and 24 is patentable over the cited references and in condition for allowance.

#### **4. CONCLUSION OF REMARKS**

For at least the reasons stated above, it is respectfully submitted that the remaining claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

#### **5. AUTHORIZATION**

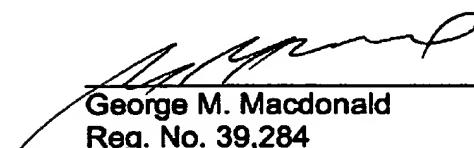
No fee, other than for the enclosed Terminal Disclaimer, is believed due with this amendment. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-209.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-209.

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Respectfully submitted,

  
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8/9/04 Amendment